

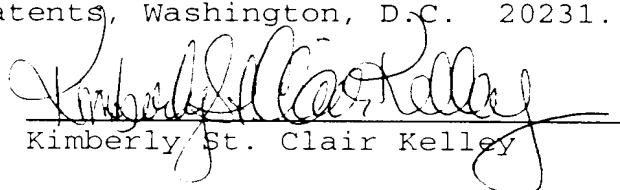
THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Eriko Takano et al.
Serial No. : 10/017,471
Filing Date : October 23, 2001
Examiner : Not yet assigned
Group Art Unit : Not yet assigned
Entitled : ANTIBIOTIC PRODUCTION

Suite 720
1601 Market Street
Philadelphia, PA 19103
(215) 563-4100 (telephone)
(215) 563-4044 (facsimile)
Our File No. 0380-P02329US1

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on May 14, 2002 with the United States Postal Service as first-class mail in an envelope properly addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Kimberly St. Clair Kelley

Box Missing Parts
Assistant Commissioner
for Patents
Washington, D.C. 20231

**RESPONSE TO FILE
MISSING PARTS OF NON-PROVISIONAL APPLICATION**

Dear Sir:

This is in response to the Notice to File Missing Parts of Non-Provisional Application dated March 15, 2002. We are completing herewith the above-identified U.S. patent application.

A/

The complete application includes the following:

<u>44</u>	Pages of Specification	Filed <u>October 23, 2001</u>
<u>32</u>	Number of Claims	Filed <u>October 23, 2001</u>
<u>1</u>	Page of Abstract	Filed <u>October 23, 2001</u>
<u>19</u>	Sheets of Drawing	Filed <u>October 23, 2001</u>
<u>1</u>	Page of Declaration, Power of Attorney and Power to Inspect	Filed <u>Herewith</u>
<u>1</u>	Page of Copy of Notice to File Missing Parts of Non-Provisional Application	Filed <u>Herewith</u>
<u>1</u>	Page of Submission of Sequence Listing Under 37 C.F.R. §§1.821-1.825 and Preliminary Amendment	Filed <u>Herewith</u>
<u>8</u>	Pages of Paper Copy of Sequence Listing	Filed <u>Herewith</u>
<u>1</u>	Computer Disk Containing Electronic Form of Sequence Listing	Filed <u>Herewith</u>

[X] A check in the amount of \$1,338.00 is enclosed. In the event the check is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Account No. 04-1406.

[X] A duplicate copy of this sheet is enclosed.

Please address all communications and direct all inquiries to the following:

CUSTOMER NUMBER 000110

or

Patrick J. Hagan, Esq.
Dann Dorfman Herrell and Skillman, P.C.
1601 Market Street, Suite 720
Philadelphia, PA 19103-2307

Telephone: (215) 563-4100
Facsimile: (215) 563-4044

DANN DORFMAN HERRELL and
SKILLMAN, P.C.

Attorneys for Applicant

By Patrick J. Hagan
Patrick J. Hagan
Registration No. 27,643

PJH:ksk
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Eriko Takano et al.

Serial No. 10/017,471

Filed: October 23, 2001

For: ANTIBIOTIC PRODUCTION

SUBMISSION OF SEQUENCE LISTING
UNDER 37 C.F.R. §§1.821-1.825 AND PRELIMINARY AMENDMENT

The present submission is in response to the Office communication dated March 15, 2002 enclosing a Notice To File Missing Parts Of Nonprovisional Application.

To comply with the requirements under 37 C.F.R. §§1.821-1.825, submitted herewith is a sequence listing of the amino acids and nucleotides presented in the above-referenced application. The sequence listing is being submitted in both paper copy and computer-readable form. Applicants respectfully request entry of the sequence listing into the above identified patent application. The undersigned hereby verifies that the paper copy and computer readable form of the sequence listing are identical and do not contain any new matter. In the event that a fee is required, the Commissioner is authorized to charge the account of the undersigned, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By: Patrick J. Hagan
Patrick J. Hagan
PTO Registration No. 27,643

Telephone: 215 563-4100

FEE TRANSMITTAL



TOT. AMT. OF PAYMENT (1) + (2) + (3) = \$ 1,338.00

Complete if known

Application Number 10/017,471

Filing Date October 23, 2001

First Named Inventor Eriko Takano et al.

Group Art Unit Not yet assigned

Examiner Name Not yet assigned

Our File No. 0380-P02329US1

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																						
1. The Commissioner is hereby authorized to <input type="checkbox"/> Charge indicated fees <input checked="" type="checkbox"/> Charge additional fees <input checked="" type="checkbox"/> Credit overpayments to the account of DANN, DOREMAN, HERRELL AND SKILLMAN Deposit Account Number 04-1406 2. Payment enclosed: Check in the amount of \$ 1,338.00		3. ADDITIONAL FEES <table> <thead> <tr> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Surcharge - late filing fee or oath</td> <td>130.00</td> </tr> <tr> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>Non-English specification</td> <td></td> </tr> <tr> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>Extension for response within first month</td> <td></td> </tr> <tr> <td>Extension for response within second month</td> <td></td> </tr> <tr> <td>Extension for response within third month</td> <td></td> </tr> <tr> <td>Extension for response within fourth month</td> <td></td> </tr> <tr> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>Petition to revive unavoidably abandoned application</td> <td></td> </tr> <tr> <td>Petition to revive unintentionally abandoned application</td> <td></td> </tr> <tr> <td>Issue fee</td> <td></td> </tr> <tr> <td>Advance Order (10 copies)</td> <td></td> </tr> <tr> <td>Publication Fee</td> <td></td> </tr> <tr> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>Other fee (specify) _____</td> <td></td> </tr> </tbody> </table>	Fee Description	Fee Paid	Surcharge - late filing fee or oath	130.00	Surcharge - late provisional filing fee or cover sheet		Non-English specification		For filing a request for reexamination		Requesting publication of SIR prior to Examiner action		Requesting publication of SIR after Examiner action		Extension for response within first month		Extension for response within second month		Extension for response within third month		Extension for response within fourth month		Notice of Appeal		Filing a brief in support of an appeal		Request for oral hearing		Petition to institute a public use proceeding		Petition to revive unavoidably abandoned application		Petition to revive unintentionally abandoned application		Issue fee		Advance Order (10 copies)		Publication Fee		Petitions to the Commissioner		Petitions related to provisional applications		Submission of Information Disclosure Stmt		Recording each patent assignment per property (times number of properties)		Filing a submission after final rejection (37 CFR 1.129(a))		For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____	
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Submitted By:

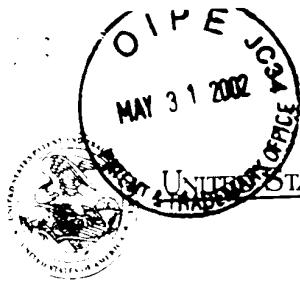
Typed or

Printed Name Patrick J. Hazan Reg. Number 27,643

Signature Patrick J. Hazan

Date May 14, 2002

Deposit Account User ID
04-1406



COPY OF PAPERS
ORIGINALLY FILED

Page 1 of 2

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UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10 017,471	10 23 2001	Enriko Takano	0380-P02329US1

CONFIRMATION NO. 5210

FORMALITIES LETTER



0000000007645907

000110
DANN DORFMAN HERRELL & SKILLMAN
SUITE 720
1601 MARKET STREET
PHILADELPHIA, PA 19103-2307

Date Mailed 03 15 2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/03/2002 TPERPAU 0000000007645907

FILED UNDER 37 CFR 1.53(b)

01 FE:101
02 FC:103
03 FC:102
04 FC:105



Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
 - Total additional claim fee(s) for this application is \$468
 - \$216 for 12 total claims over 20.
 - \$252 for 3 independent claims over 3 .
 - The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
 - To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter
 - **The balance due by applicant is \$ 1338.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1 825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after 65 FR 54604 (September 8, 2000), see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file

In the U S Patent and Trademark Office such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Y.G.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE